

# Client Rights Office

Department of Health and Family Services  
Division of Disability and Elder Services

<http://dhfs.wisconsin.gov/clientrights/index.htm>

*Community Programs Training 2005*

## **HOUSE RULES or EXPECTATIONS in RESIDENTIAL SETTINGS CLIENT RIGHTS IMPLICATIONS**

The right to a “humane psychological and physical environment” impacts on day-to-day living conditions, opportunities, and expectations for clients and providers. HFS 94.24(3)(a) to (i) guarantee clients’ access to various types of possessions and social, recreational, and leisure time activities, unless there are documented security or safety reasons to deny such access. Sometimes, however, house rules are in place that make clients’ exercising of these basic Constitutional and civil rights contingent upon behavior or compliance with expectations that do not at all relate to safety or security reasons.

When reviewing a facility’s house rules, the following analysis may be helpful:

- 1) **Which rules relate to basic health and safety needs** of clients or providers, and are **imperative** for the **safe management** of a facility or home? These rules must be **justifiable** on a **safety** or **security** basis.
- 2) **Which rules relate to group living expectations** that are necessary to promote a **reasonable degree of peace** and harmony between the clients? An individual’s rights must be **balanced** against the rights of peers. This justifies rules relating to use of common space and time and place limits on noise or use of possessions that may be disruptive to others. In this context it is important to review whether rules as written are the **least restrictive means** of accomplishing the objective.
- 3) **Which rules make access to basic rights** (community access, leisure or recreational opportunities) **contingent upon a client’s compliance** with objectives or expectations that do not relate to safety or security? These are the types of rules likely to be viewed as violations of the right to be free from arbitrary decisions. Some house rules use a “one size fits all” behavioral approach to restrict clients’ exercise of basic rights. In general, it is **not justifiable** to use house rules to require individuals to meet a higher standard than the law has established, or to attain goals relating to compliance with ADLs or chores, as a pre-condition for their exercising of their rights. However, in some instances, with the proper documentation in the ISP / treatment plan, an **individualized** behavioral approach containing certain contingencies may be warranted for an individual. Such a plan must be consented to by the client and/or guardian. Further, house rules cannot be applied in ways that are contra-indicated for the individual or his/her ISP / treatment plan.